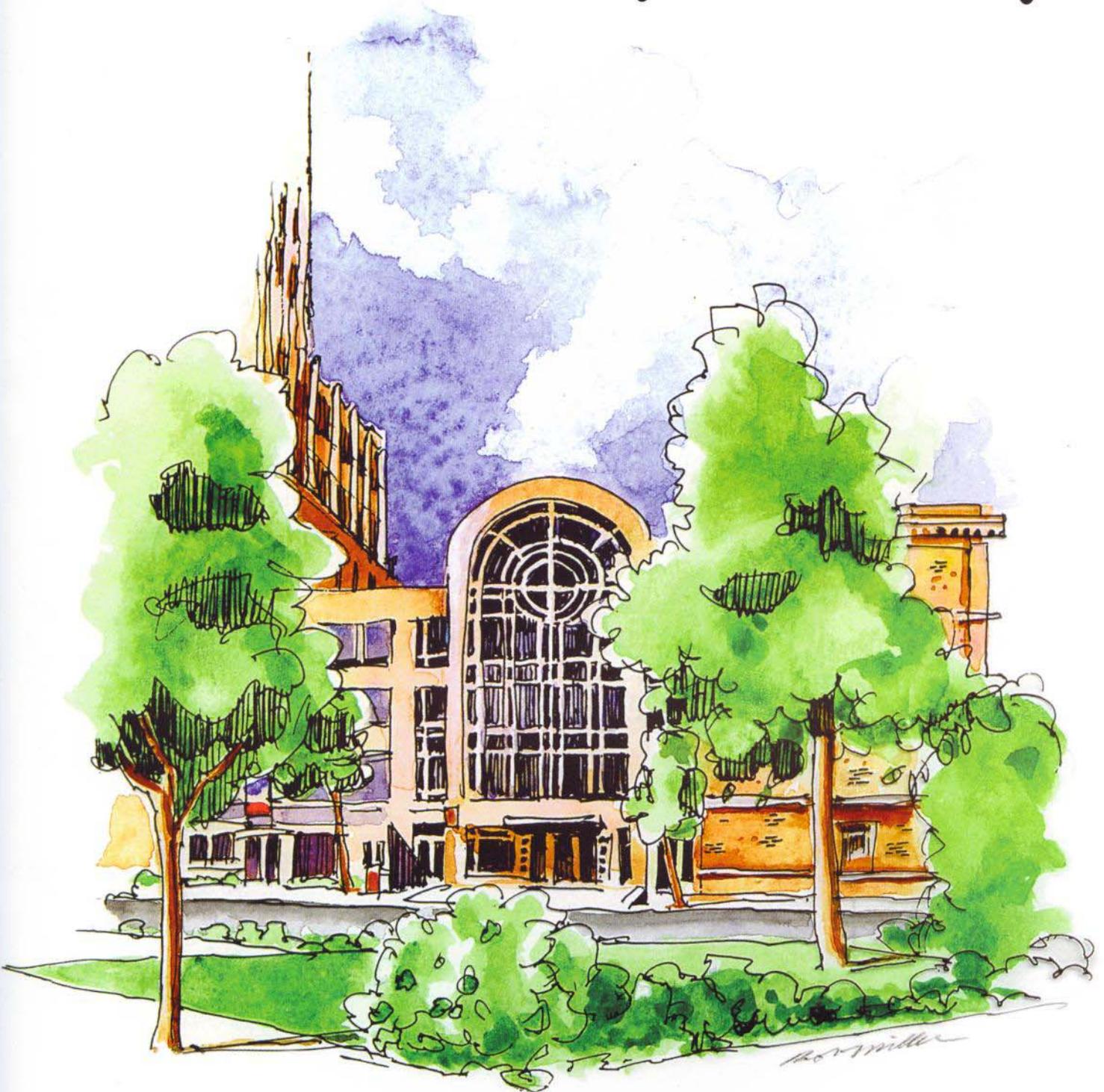


Sacramento County Grand Jury



**Final Report
2003-2004**

Sacramento County
2003-2004 Grand Jury
Final Report

June 30, 2004

A word about the cover and sketches in the Final Report...

We owe a debt of gratitude to Mr. Bob Miller of Bob Miller Designs for the original cover design of this final report. Mr. Miller donated his services to the Grand Jury. He also gave us permission to use the sketches you see at various intervals in the Final Report.

Thank you for your generosity, Bob, and for a beautiful cover!

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Sacramento County GRAND JURY



Barry T. Heilman, Foreman

Arturo Aleman

Robert Canfield, Jr.

John R. Castello

Jean Y. Chong

James Connick

Robert P. Estes

Richard W. Gregson

R. Joy Hills

Carrol A. Hull

Rees L. Lee

Priscilla Mauerman

John Metaxas

Philip A. Niederberger

Page K. O'Connor

John H. Peterson

Jerold A. Prod

Robert S. Willett

Norio Yamada

June 30, 2004

The Honorable Richard K. Park
Advisor Judge to the Grand Jury
Sacramento Superior Court
720 Ninth Street, Department 39
Sacramento, CA 95814

Dear Judge Park:

In compliance with Penal Code section 933, the Sacramento County Grand Jury is pleased to submit to you its 2003-2004 Final Report. Thank you for giving me this opportunity to serve as Foreman of the Grand Jury. It has been my honor and pleasure.

This final report is the result of many hours of work by nineteen members researching, interviewing, investigating, writing and deliberating over a number of issues. The Grand Jurors got organized and down to business almost immediately, not losing precious weeks in the process. Every juror accepted their duty and obligation with enthusiasm and determination, each bringing unique attributes to the team. As foreman, working with this Jury was stimulating, challenging and enjoyable.

Members of the public brought many issues to our attention. Although every complaint received consideration, many did not result in formal action, and the Jury's work on those issues is not reflected in this report. However, some changes to the operation of government agencies were initiated as a result of Grand Jury inquiries.

The Grand Jury is grateful for the sincere dedication of the public officials with whom we spoke. The cooperation we received from department heads, directors, public officials and staff was commendable. All who came before us were professional, knowledgeable and generous with their time, providing needed information in a concise and understandable manner.

We relied on the advice of County Counsel, the District Attorney's Office and the Attorney General's Office. Our requests for opinions were answered in a timely manner. The Jury expresses its sincere appreciation to all in those agencies who gave so generously of their time.

As you told us, serving on the Grand Jury involves many hours away from home and work. I thank all the spouses and employers for allowing the grand jurors the time to provide a valuable service to the residents of Sacramento County.

We also thank you, Judge Park, for the advice and support you gave as our advisor. You have been at our side at every step and your advice gave us clarity and insight. Thank you for your generous time commitment and dedication to the grand jury process in Sacramento County. It has been an honor and a pleasure to work with you, Michelle and all the members of the Jury. It has been a civic lesson that all residents of Sacramento County should experience.

Finally, all of us on the Jury express our heartfelt thanks to Michelle Park, Executive Secretary to the Grand Jury. Her advice, assistance and dedication were invaluable. This report reflects her professionalism and outstanding work.

The members of the 2003-2004 Grand Jury are honored to have served our community and hope our efforts are a positive contribution toward better government.

Sincerely,

BARRY T. HEILMAN, Foreman
2003-2004 Sacramento County Grand Jury

BTH/mcp



GUY WEST BRIDGE Port of Spain

2003-2004
Sacramento County Grand Jury

Arturo Aleman	Consultant	Sacramento
Robert Canfield, Jr..	Deputy Sheriff, retired	Galt
John R. Castello	Administrative Law Judge	Sacramento
Jean Y. Chong	Administrative Systems Analyst	Sacramento
James Connick	Insurance Broker Teacher, retired	Sacramento
Robert P. Estes	Teacher, retired	Carmichael
Richard W. Gregson	Chief Executive Officer	Carmichael
Barry T. Heilman	Pharmaceutical Sales and Marketing	Folsom
R. Joy Hills	Librarian/Records Manager, retired	Fair Oaks
Carrol A. Hull	Teacher, retired	Sacramento
Rees L. Lee	High School Principal, retired	Carmichael
Priscilla Mauerman	Teacher, retired	Sacramento
John Metaxas	Developer/Contractor	Folsom
Philip A. Niederberger	Cemetery Management	Rancho Murieta
Page K. O'Connor	Legislative Advocate, retired	Sacramento
John H. Peterson	Educational Consultant	Sacramento
Jerold A. Prod	State Administrative Law Judge & Administrator, retired	Sacramento
Robert S. Willett	Law School Instructor	Sacramento
Norio Yamada	United States Government, retired	Sacramento

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Committee Assignments

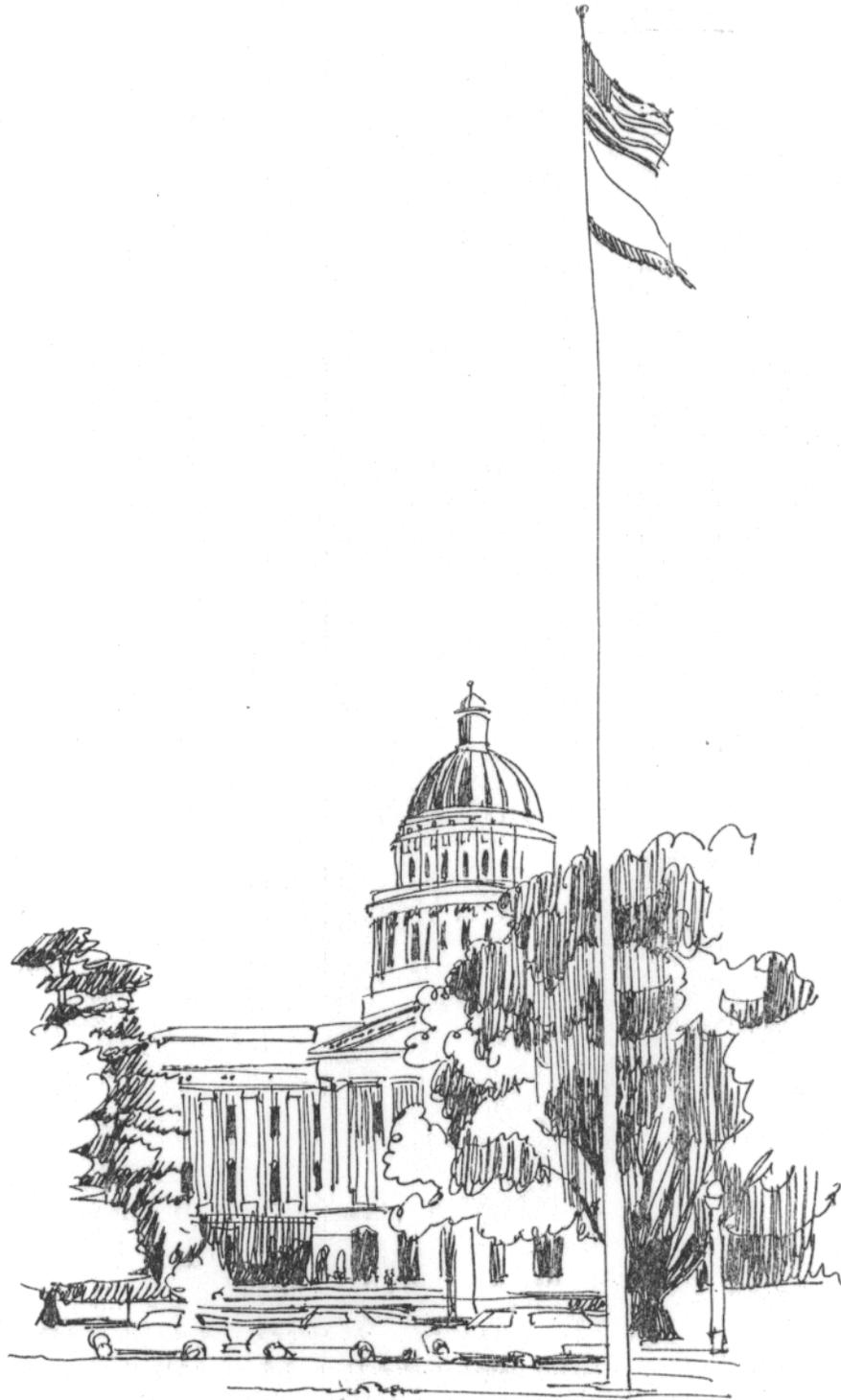
Officers:

Barry T. Heilman, Foreman
Rees L. Lee, Foreperson Pro Tempore
John H. Peterson, Secretary

Robert Canfield, Jr., Sergeant-at-Arms
R. Joy Hills, Parliamentarian/Secretary
James Connick, Provisioner

<i>Administrative & Municipal Affairs</i>	<i>Criminal and Juvenile Justice</i>
Philip A. Niederberger, Chair	Jerold A. Prod, Chair
Arturo Aleman	Arturo Aleman
Robert Canfield, Jr.	Robert Canfield, Jr.
Jean Y. Chong	John R. Castello
Robert P. Estes	Jean Y. Chong
Richard W. Gregson	Robert P. Estes
John Metaxas	R. Joy Hills
Page K. O'Connor	John Metaxas
John H. Peterson	Norio Yamada
<i>Continuity</i>	<i>Edit</i>
James Connick, Chair	Rees L. Lee, Chair
Carrol A. Hull	James Connick
Rees L. Lee	Richard W. Gregson
Jerold A. Prod	Priscilla Mauerman
	Page K. O'Connor
<i>Education</i>	<i>Environment, Public Works & Special Districts</i>
Robert P. Estes, Chair	Arturo Aleman, Chair
John R. Castello	Robert Canfield, Jr.
R. Joy Hills	James Connick
Carrol A. Hull	Richard W. Gregson
Rees L. Lee	R. Joy Hills
Priscilla Mauerman	Priscilla Mauerman
Page K. O'Connor	John Metaxas
John H. Peterson	Philip A. Niederberger
Norio Yamada	Robert S. Willett
	Norio Yamada
<i>Health and Human Services</i>	
Carrol A. Hull, Chair	
John R. Castello	
Jean Y. Chong	
R. Joy Hills	
Philip A. Niederberger	
John H. Peterson	
Jerold A. Prod	
Robert S. Willett	
Norio Yamada	

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STATE CAPITOL *Robert Miller*

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The Year in Review The Grand Jury Perspective

This Sacramento County Grand Jury commenced on July 1, 2003, and completed its term on June 30, 2004. We received and reviewed over 70 allegations and complaints.

We would like to share with you the state laws and codes from which the Sacramento County Grand Jury derives its authority and reason for existence. Article I, Section 23 of the California State Constitution states that “a grand jury shall be drawn and summoned at least once a year in each county.” The rules governing the makeup, organization, powers and duties of grand juries in California are found in the California Penal Code. California grand juries are for the most part civil grand juries. Grand juries look into the activities and procedures of county governmental agencies, cities, special districts and school districts within the county and prepare appropriate reports. It should be noted that while the duties of the grand jury are primarily civil in nature, the jury might be called upon by the District Attorney to issue criminal indictments. This past year we participated in several indictment proceedings.

This Final Report details the specific investigations leading to recommendations for the named districts and county agencies. These investigations, however, do not completely cover the scope of the activities this Jury pursued. This “Year in Review” is an effort to provide a sampling of information not contained in our formal findings.

A mandated function of the Grand Jury is to tour each correctional facility within the county. The Grand Jury toured the following facilities:

1. California State Prison, Sacramento.
2. Folsom State Prison.
3. Sacramento County Main Jail.
4. Rio Cosumnes Correctional Center (RCCC).
5. Sacramento County Work Release Facility.
6. Sacramento County Juvenile Hall.
7. Warren E. Thornton Youth Center.
8. Sandra Larson Women’s Facility located at RCCC.
9. Sacramento County Boys Ranch.
10. Sacramento Assessment Center.
11. Department of the Youth Authority Northern Youth Correctional Reception Center-Clinic.

Our tours brought up several points worthy of note including:

- a) The staff of the Sacramento County Juvenile Hall has emphasized positive activities and appropriate schooling.

- b) The Rio Cosumnes Correctional Center (RCCC) has worked effectively with the Elk Grove Unified School District in developing an educational program for the inmates.
- c) The Main Jail has included a Spousal Abuse Prevention Program for prisoners.
- d) The Sacramento County Work Release Facility operated by the Sheriff's Department is based on the concept that meaningful work, rather than jail time, can be a corrective force. In addition, the facility, in conjunction with the Grant Joint Union High School District, has developed a curriculum that is appropriate to the students.
- e) The Sacramento County Sheriff's Department – Internal Affairs Division cooperated with the Grand Jury exhibiting professionalism and courtesy.

In addition to our mandated tours, we received presentations from:

1. Sacramento County Public Health Officer.
2. Sacramento County Director of Correctional Health Services.
3. Sacramento Regional County Sanitation District #1.
4. City of Sacramento Public Works, Solid Waste Division.
5. Sacramento County Child Protective Services.
6. Sacramento County Office of the District Attorney.
7. Sacramento County Counsel.
8. Sacramento City Planning Department.
9. Sacramento County Planning Department.

All presentations were helpful to the Grand Jury but several comments would be appropriate including:

- a) The Sacramento County Office of Public Health has been monitoring the incidence of tuberculosis and the agency has a serious commitment to testing and treatment.
- b) The Sacramento Regional County Sanitation District #1 of the Public Works Agency assisted the Grand Jury with full information and documentation regarding service boundaries, fees, rates and facility needs for the future.
- c) The Sacramento City Solid Waste Division provided us with a clear and helpful presentation of its policies and procedures.

Finally, two events of great interest to the Grand Jury took place. The Sacramento County Department of Voter Registration and Elections conducted the recall election of October 7, 2003, and the primary election of March 2, 2004. The Jury monitored the procedures and ballot counting, sampling a percentage of precincts. The Grand Jury

believes the elections were well run. The Grand Jury also participated in the Senate hearing on “Integrity and Accountability Exploring Special Districts’ Governance” presented by the California Senate Committee on Local Government, chaired by Senator Tom Torlakson.

The past year has been busy as we reviewed the functioning of our county, cities and special districts and are pleased to report meeting many dedicated public employees. They work hard and well. They deserve our sincere appreciation for their service.

If you are interested in additional information on the Grand Jury, you may access our web site at www.sacgrandjury.org. Information on the site includes:

- A history of the Grand Jury.
- Grand Jury Final Reports and the affected agencies’ responses.
- Forms for filing a complaint.

The telephone number is (916) 874-7559.

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The Sacramento City Unified School District Board of Education Was Negligent in the Establishment and Oversight of the California Administrative Services Authority

Issue

The Sacramento County Grand Jury received a complaint asking for an investigation of the Sacramento City Unified School District and the propriety of creating a joint powers agreement (JPA) between the California Administrative Services Authority (CASA) and the Sacramento City Unified School District (SCUSD) to establish an alternative retirement program for a select group of employees. Among the allegations were possible misuse of public funds, conflicts of interest, and an inappropriate relationship between SCUSD employees and CASA.

The Grand Jury was primarily interested in how and why this alternative retirement program, which benefited a select group of SCUSD employees, and required them to leave the employment of the school district for that of a contracting agency, could be approved by the Board of Trustees. The Jury was also concerned about the ethics and process utilized by the school board in the establishment and operation of CASA.

Method of Investigation

Review of Documents:

- “Preliminary Investigative Report on the California Administrative Services Authority” by the Sacramento Leadership Coalition on Public Education, July 9, 2003.
- “Final Report Review of the California Administrative Services Authority Program” by MGT of America, December 16, 2003.
- California Public Employees Retirement System (CalPERS) memorandum dated March 5, 2004, entitled, “Summary: California Administrative Services Authority.”
- “California Administrative Services Authority Employee Handbook” of September 2000 and revisions of September 2002.
- Agendas and minutes of meetings of the Sacramento City Unified School District Board of Education.

- Video tape of March 6, 2000, Sacramento Unified School District Board of Education meeting.
- News articles in The Sacramento Bee.
- CASA documents, including bylaws and operating agreements.
- Relevant district correspondence and memoranda.

Interviewed:

- SCUSD current Board Members serving since 2000.
- SCUSD former Board Member serving in 2000.
- SCUSD current Superintendent.
- SCUSD former Deputy Superintendent, Chief Financial Officer and unpaid Chief Executive Officer of CASA – retired CASA member.
- SCUSD current Chief Financial Officer – CASA member.
- SCUSD current Chief Personnel Officer – CASA member.
- SCUSD retired Chief Personnel Officer – retired CASA member.
- SCUSD current Internal Auditor – former CASA member, current CalPERS member.
- SCUSD current Director, Employee Relations – CASA member.
- SCUSD current Analyst, Personnel & Employee Compensation – CASA member.
- SCUSD former Analyst, Personnel & Employee Compensation – prior CASA member.
- Executive Director, Service Employees International Union, Local 790.
- President, Sacramento City Teachers Association.
- Executive Director, Sacramento City Teachers Association.
- Chairman, Sacramento Leadership Coalition on Public Education.
- Division Chief, Actuarial and Employee Services, California Public Employees Retirement System.
- Staff Counsel, California Public Employees Retirement System.
- Complainant.

Attendance at SCUSD Board Meetings

Background and Facts

In the late 1980s and early 1990s, the Sacramento City Unified School District (SCUSD) had been beset by serious educational, fiscal and governance problems. Student achievement was declining. There was frequent turnover in the superintendency, and unrest and dissatisfaction among employees. A split board of education provided little leadership or planning on how to address the situation. Sacramento's then Mayor spearheaded the election of a new board. A new superintendent and a new chief financial officer (CFO) were hired to bring educational direction and financial stability to the struggling district.

Sacramento City Unified School District made educational and financial progress under this new administration. The Superintendent provided the educational leadership that had been lacking and test scores improved under his educational reforms. The CFO brought stability and financial soundness to the District and gained the trust and confidence of the Superintendent and the Board of Education. According to those interviewed, her decisions and recommendations were rarely questioned by the Superintendent or the Board. However, her managerial style was described as intimidating and controlling. The CFO also assumed additional responsibilities by becoming the head of personnel, as well as maintaining her position as financial officer. This resulted in the centralization of significant administrative power in the hands of one person. For example, the District's internal auditor, budget manager and personnel manager all reported directly to the CFO. The CFO became the conduit of information to the Superintendent and the Board. As a consequence, there was a lack of checks and balances within the administrative units she supervised.

Late in 1999, the CFO, on her own initiative, presented an alternative retirement program to the Superintendent to cover the three contract positions—the Superintendent, the CFO and the District's Legal Counsel. This plan also included approximately 100 non-represented (non-union) confidential and classified workers.

Implementing the plan required the establishment of a joint powers agreement (JPA), which required two or more public agencies to participate. Joint powers agreements are common in education, created to combine the resources of various agencies to provide services such as busing, insurance, purchasing, etc. This JPA would be unusual in that its sole purpose was to set up a retirement system. Only Long Beach Unified School District had established a similar program.

On March 6, 2000, the CFO proposed the formation of the JPA to the Board of Education. As presented to the Board, the rationale of the proposal was twofold: to develop a retirement program that would both encourage top administrators to stay with the district; and to enhance recruitment. The CFO strongly stated to the Board that the plan was "cost neutral." The presentation was made by outside consultants selected by the CFO. There was no consideration or discussion given to possible negative consequences. Unbeknownst to the Board but known to the CFO, there was pending legislation which could have jeopardized the cost neutrality of the JPA.

Two weeks later, the Board authorized the establishment of the new JPA, which was designated as the California Administrative Services Authority (CASA). The formation of CASA required the SCUSD Board of Education to appoint two representatives to the three-person CASA Board of Directors. The School Board, by resolution, delegated the responsibility to the Superintendent. This was in variance to the customary procedure followed in other district JPA appointments. The Superintendent allowed the CFO, who was also the Executive Director of CASA, to select the appointees. Neither of these appointees was affiliated with the District.

In June, the Yolo County Office of Education joined with SCUSD as a partner to form the JPA. The retirement program was implemented July 1, 2000.

Prior to implementation, the CFO went to the Board of Education on June 19, 2000, requesting new contracts for the top administration (Superintendent, Chief Financial Officer, and the District Legal Counsel). These contracts would convert expense money and travel allowances to salary and add ten additional years of service credit to retirement through the newly formed JPA. The Board viewed this action as a way to reward these employees for past services without a cost to the District. The Board unanimously approved these three new contracts.

The CASA retirement program is complex, but as described by the CFO, it offered enhanced retirement benefits to members of the new JPA. It involved increasing the computational CalPERS factor from 2.5 to 3 percent. For example, retirement benefits based on 2.5 percent of final compensation per year of service, with 30 years of service and a final annual compensation of \$150,000, yields a pension of \$112,500 a year for life. If the percentage-per year multiplier is raised from 2.5 percent to 3 percent with no other changes, the pension rises from \$112,500 to \$135,000. This is a 20 percent increase in retirement pay per year for life.

Approximately one hundred SCUSD employees who had joined CASA would leave the California Public Employees Retirement System and become members of CASA. They would be employees of CASA and their services would be contracted back to the District. The employees would hold the same positions, perform the same duties and receive the same salaries as they did with the District. They also retained all district benefits and all seniority rights. The CFO of Sacramento City Unified School District assumed the responsibility of unpaid executive director of CASA. In these positions, she oversaw the transfer of funds between the District and CASA and directed the retirement system, of which she was a member.

In order to make the retirement program work, approval by CalPERS and the Social Security Administration was necessary. CalPERS granted reciprocity to the CASA system, thereby allowing its members to leave the state public retirement system. Social Security officials also authorized withdrawal from its program.

In November 2001, approximately a year and a half after the founding of CASA, the CFO requested the Board of Education approve a pension obligation bond valued at \$6.5 million dollars. The CFO stressed the low financial risk of the bond. The Board approved the bond with little discussion. In a memo to the Board, the CFO stated, that without the bond the CASA retirement plan is still actuarially sound, but "the bonding provides extra actuarial strength and security for participants in the new retirement plan." According to the MGT report, the cost to issue the bond was \$420,709.

In June 2003, the Sacramento Leadership Coalition on Public Education, comprised of local education organizations and community members, gave to the President of the

School Board, a document entitled, "Preliminary Investigative Report on the California Administrative Services Authority." He referred it to the Superintendent. The report questioned CASA's operations and activities and the relationship between CASA and the District. In response to the report, the Superintendent sent a letter to the coalition, which was critical and dismissive.

On July 9, 2003, the coalition held a press conference challenging the legality and propriety of CASA's establishment and made its investigative report public. In response to the press conference and to the report, the SCUSD School Board added a discussion of CASA to the District's workshop agenda of September 15, 2003. At that time the Interim Superintendent, appointed in July 2003, recommended an independent, outside fiscal and programmatic audit be performed immediately, and a separate review of all legal issues by an independent, outside attorney. The School Board approved a \$40,000 contract for a 230-hour/two-month management audit by the national consulting firm of MGT of America. In addition, the Interim Superintendent engaged the services of Lozano Smith for the legal review.

On December 8, 2003, MGT of America presented its findings and recommendations to the District and the School Board. The MGT report was highly critical of both the establishment and operation of CASA. The report cast serious doubt that the alternative retirement system was "cost neutral." A key question was, who was the actual employer of the classified employees—SCUSD or CASA? The report concluded that, if it was determined that the District was indeed the employer, the District could be responsible for significant financial obligations to CalPERS, the State Department of Education and Social Security accruing from July 1, 2000.

The report also concluded that once CASA was authorized, neither the Superintendent nor the Board provided appropriate oversight. The Board did not require periodic reports or yearly audits of CASA. The Board delegated to the Superintendent its authority to appoint two SCUSD representatives to the CASA Board. The Superintendent accepted the CFO's recommendations for these positions of individuals who had no affiliation with the District. The MGT of America report stated, "By doing so, the District board and the former superintendent failed to ensure the district's representatives on the CASA board understood the District's direction and priorities, and were committed to protecting the best interests of the District." The report also stated that the only communication between the CASA Board and the SCUSD Board was through the CFO. This situation permitted actions, such as allowing CASA to receive advances, charge indirect fees and change its bylaws without authorization from the District. Such actions by the CFO gave the appearance of conflict of interest.

In March 2004, CalPERS sent a memorandum to the District that contained results of its investigation of CASA to see if reciprocity with regard to CalPERS benefits had been appropriately granted. That investigation found that CASA employees were in fact employees of SCUSD and therefore did not have the right to opt out of CalPERS membership. It further found that CASA did not qualify as an agency with which

CalPERS could establish reciprocity. The report states, “CalPERS was not aware of any of these facts at the time we approved reciprocal retirement status and health benefits and would not have granted reciprocity if these facts had come to light.”

At its April 1, 2004 board meeting, the Board of Education unanimously voted to withdraw SCUSD from the JPA effective July 1, 2004. At its April 29 board meeting, the trustees voted to end the District’s relationship with any outside attorneys, financial advisors and other consultants who previously advised them regarding CASA. The Grand Jury recognizes that many of the issues and concerns raised by the MGT report are already being addressed. The Grand Jury encourages the District to continue in this positive direction.

Conclusion

The Sacramento City Unified School District Board of Education failed in its oversight responsibilities. It was negligent in its responsibility to protect the interest of all its constituents, including voters, students, parents, taxpayers and employees by authorizing a joint powers agreement ostensibly for retirement purposes. Inasmuch as Board members make decisions in complex areas, they depend on district administrative staff for advice and recommendations, including school finance, curriculum, student safety, personnel practices and facility use. In the case of the establishment of CASA, the Board did not receive or request a complete and balanced picture. By their own admissions, they were convinced by their administrative staff of the efficacy of a unique retirement program—a program that ultimately proved to be flawed, and a liability to the District.

Although the Grand Jury reviewed the conduct of Sacramento City Unified School District, some of the recommendations could apply to the administrative functions of all school districts within Sacramento County. In order to strengthen the integrity of the administrative functions of school districts, the Grand Jury respectfully requests all school districts within Sacramento County consider the report’s recommendations.

Findings and Recommendations

Findings for the Board of Education:

Finding 1. The Sacramento City Unified School District Board of Education did not fully explore, question nor understand the joint powers proposal presented by the Chief Financial Officer and supported by the Superintendent.

Finding 2. In approving the JPA, the Board authorized transfer of district classified employees to CASA.

Finding 3. The SCUSD Board, once CASA was established, paid little attention to issues of oversight and management of the JPA. For example:

- a. The Board did not appoint representatives to the CASA board but delegated the selection to the Superintendent.
- b. The Board did not require periodic reports or yearly audits of CASA.
- c. The Board allowed CASA bylaws to be amended without approval.
- d. The Board allowed the CFO to assume the position of Executive Director of CASA while serving concurrently as the District CFO.

Finding 4. The Board opted to reward its three contract employees (Superintendent, Chief Financial Officer, Legal Counsel) by giving them inflated retirement benefits. For example:

- a. Granting 10 additional years of service credit which was excessive and unprecedented for public service positions.
- b. Granting mileage allowances, travel expenses, and vacation pay to be included in the final compensation calculation for retirement was inappropriate.

Finding 5. The CFO and the outside consultants she selected appeared to mislead the Board with incomplete information and strong assurances of cost neutrality of the CASA plan.

Finding 6. The Board authorized the issuance of an unnecessary \$6.5 million pension obligation bond and incurred financial liability with little or no discussion or understanding of the possible financial impact to the District. The \$420,709 cost to issue the bond could have been applied to educational purposes.

Finding 7. The Board of Education and top administrators were dismissive of community concerns regarding the JPA and CASA.

Recommendations to the Board of Education:

Recommendation 1. The Board needs to fully investigate and research all proposals that incur financial obligations and have fiscal ramifications. A discussion of the pros and cons should be publicly presented with adequate provision for public input.

Recommendation 2. Future attempts of the Board to compensate district individuals for outstanding service should be within the limits of what is generally given to people in education.

Recommendation 3. The Board should monitor and control all agencies or entities that the school district creates and for which it assumes liability. The Board should not delegate its oversight responsibilities to others. The Board should demand timely reports and audits.

Recommendation 4. The Board of Education must guard against appearances of potential conflict of interest whether ethical or legal.

Recommendation 5. The Board should establish a process to assure that community and constituent concerns are heard and addressed.

Findings for District Administration:

Finding 1. The Superintendent allowed the CFO to control the central office without necessary checks and balances. For example:

- a. The Internal Auditor reported directly to the CFO rather than to the Superintendent and the Board.
- b. The transfer of funds between the District and CASA went unsupervised by the Superintendent and the Board.

Finding 2. The centralization of power in the hands of the CFO created a climate of intimidation and coercion within the administrative offices. For example, employees were discouraged from questioning the CASA plan and some stated they felt pressured into joining.

Finding 3. The proposed retirement program and the enhanced retirement package put forward by the CFO for herself, the Superintendent and the Legal Counsel were self-serving.

Finding 4. The appearance of a conflict of interest occurred when the CFO of the District served as the unpaid Executive Director of CASA.

Recommendations to the District Administration:

Recommendation 1. Community concerns regarding district administration actions or policies need to be fairly and openly addressed. A community oversight committee could be established to directly monitor the response to these concerns.

Recommendation 2. The Superintendent must actively oversee the business administration of the school district, as well as the educational program.

Recommendation 3. It is one of the responsibilities of the Superintendent to establish and maintain a positive climate within the district office. Communication lines should be structured in such a way as to encourage and permit employee access to the Superintendent, enabling all opinions to be heard.

Recommendation 4. The Superintendent is responsible for assuring that a system of checks and balances is maintained so no one person or a group can bring undue or unfair influence on decisions.

Recommendation 5. The internal auditor should be autonomous and responsible and accountable to the Superintendent and report directly to the Board on a quarterly or bi-annual basis.

Response Required

Penal Code Section 933.05 requires that specific responses to both the findings and recommendations contained in this report be submitted to the Presiding Judge of the Sacramento Superior Court by September 30, 2004 from:

- **Board of Education, Sacramento City Unified School District**

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NER BRIDGE. Robert Miller

Grant Joint Union High School District's Inappropriate Use of Public Funds

Issue

The Grand Jury received a complaint alleging Grant Joint Union High School District (GJUHSD) was using its newspaper, Grant Today, to advocate one side of a political issue. Since the newspaper is supported by public funds, the Grand Jury looked into whether or not this use of funds was appropriate.

Method of Investigation

Reviewed:

- Eight issues of Grant Today from April 2003 through February 2004.
- The GJUHSD Mission Statement, "Communications Plan" of February 2002.
- "Grant Select Commission Final Report," July 15, 1998.
- Sections of GJUHSD's board policies, Community Relations, BP 1112, adopted February 6, 2002, and Personnel - Political Activities of Employees, AR 4119.25, adopted August 21, 2002.
- Similar school newspapers from other districts within Sacramento County, including Sacramento City Unified School District's The Connection, Galt Joint Union High School District's Reflections, and the San Juan Unified School District's San Juan Scene.
- The school board policies regarding advocacy in political campaigns of Elk Grove Unified School District and Sacramento City Unified District and others from around the state, such as El Segundo Unified School District, El Dorado Union High School District, and New Haven Unified School District.
- 73 Ops. Cal. Atty. Gen. 255 (1990).
- California State Education Code section 7054.
- The publication of the California School Boards Association, titled Political Activities of School Districts, November 2001.

Conferred with:

- The District Attorney of Sacramento County.
- The State Attorney General's Office.

Interviewed:

- The Director of Communications/Community Relations for GJUHSD.
- GJUHSD Legal Counsel.
- Directors of Information or Communication/Public Relations from Sacramento City Unified School District, Elk Grove Unified School District and San Juan Unified School District.

Background and Facts

The organizational structure of many school districts in Sacramento County has been a continuing issue. Presently, the Grant Joint Union High School District (grades 7-12) is fed by five elementary school districts: Elverta Joint, Rio Linda Union, Robla, Del Paso Heights, and North Sacramento.

Concerned parents and citizens recently formed a coalition, *Families for Better Education*, to reorganize the GJUHSD into two separate 7-12 districts. One of the proposed districts would serve the Elverta Joint, Rio Linda Union, and Robla school districts. The other would serve Del Paso Heights and North Sacramento school districts.

In 2003, the coalition organized a petition effort to put its proposed plan before the Sacramento County Board of Education, and ultimately before the California State Board of Education. The role of the State Board is to review proposed plans and decide whether a referendum is placed on a ballot for a vote by the citizens in the designated districts. At the time of this Grand Jury report, the State Board of Education is reviewing a plan for reorganization.

The GJUHSD board has publicly opposed splitting the district. In a monthly newsletter, Grant Today, articles appeared which strongly opposed the reorganization plan put forth by the coalition. Partiality and bias were observed in several articles headlined, "We cannot live with what they're proposing" (Vol. 3, No. 5, August 2003), and "Who really benefits from the reorganization of Grant District?" (Vol. 3, No. 7, October 2003). The articles contained no attempt to present a balanced, fair or objective viewpoint. The newsletter articles reflected only opposition to the proposed reorganization plan.

Grant Today is an official district publication, supported by public funds, and is mailed to 55,000 residents within the boundaries of the Grant Joint Union High School District. District officials reported the cost of publishing 11 issues of Grant Today in 2002 was in excess of \$100,000.

Most school districts have published policies governing political activities that are readily available to the public and employees. The Grand Jury asked GJUHSD to provide policies governing the publication of the Grant Today newsletter. Written documents provided included the "Grant Select Commission Final Report," the Mission Statement of the "Communication Plan," and the board policy dealing with community relations. None of these documents made mention of policies governing political activity. However, in further

research, the Grand Jury found that GJUHSD policies relating to this report were on its web site.

The GJUHSD policy in part states, ...“district employees shall not use district funds, services, supplies or equipment to urge the passage or defeat of any ballot measure or candidate; or use district time to urge the passage or defeat of any ballot measure or candidate.”

The California School Boards Association (CSBA), in its handbook, Political Activities of School Districts, recommends the following:

“The district may disseminate information about a ballot measure as long as it provides the public with a ‘fair and impartial presentation of relevant information’ that is neutral in tone. This information may include an objective analysis of how a ballot measure impacts the district.”

The GJUHSD’s Legal Counsel stated that he had reviewed school policies and laws governing political activities by a school district and concluded that the proposed articles in Grant Today did not technically violate state law because an election had not been scheduled for the initiative.

The Grand Jury reviewed legal references suggested by CSBA in an attempt to clarify how political activity by school districts should be conducted. In reviewing 73 Ops. Cal. Atty. Gen. 255 (1990), this opinion states that public funds of a city, county, or district may lawfully be used to **draft** an initiative or referendum measure but concludes that such funds cannot be used to **promote** such measures. The use of public funds by a school district to advocate or present only one side of a political issue in a district newsletter constitutes improper campaign activity.

Findings and Recommendations

Finding 1. Grant Joint Union High School District has used public monies inappropriately by advocating against the redistricting plan of *Families for Better Education* in articles published in its monthly publication, Grant Today. The articles did not include any information about the opposing point of view.

Recommendation 1. Officially disseminated information from a school district regarding a contested issue should be fair, impartial and balanced.

Finding 2. Grant Joint Union High School District has specific written policies regarding the use of district resources for advocating political issues and activities, but these policies were not followed in several articles published in Grant Today.

Recommendation 2. Grant Joint Union High School District should make its employees aware of these policies and ensure all personnel understand and interpret these guidelines as

intended by state law and case law. Employees should refer to publications by the California School Boards Association to give them direction.

Finding 3. In the August 2003 newsletter of Grant Today, GJUHSD's Legal Counsel was a visible advocate opposing the coalition's reorganization plan.

Recommendation 3. The District Legal Counsel should not advocate for a political issue or activity that affects the District. Legal Counsel should ensure that a political issue discussed in district public communications be fair and balanced.

Response Required

Penal Code Section 933.05 requires that specific responses to both the findings and recommendations contained in this report be submitted to the Presiding Judge of the Sacramento Superior Court by September 30, 2004 from:

- **Board of Education, Grant Joint Union High School District**



SALMON FISHING, DISCOVERY PARK Robert Miller

Sacramento County Jail Health Inmate Psychiatric Services

Issue

As part of the Sacramento County Grand Jury's responsibility to review county detention facilities, it was decided to determine if psychiatric services are being administered in an efficient and effective manner at the Sacramento County Main Jail. The number of suicides that occurred early in 2002 was also a concern. In addition, the Grand Jury examined whether the recommendations made in the Lindsay M. Hayes Report concerning these suicides have been addressed.

Method of Investigation

The following reports and documents were reviewed:

- "Technical Assistance Report on Jail Suicide Prevention Practices Within the Sacramento County Sheriff's Department," by Lindsay M. Hayes, May 30, 2002.
- "Recommendations and Response to Technical Assistance Report by The Suicide Prevention Task Force," June 26, 2002.
- "Suicide Prevention Task Force Action Summary," January 21, 2003.
- "The Medical-Mental Health Inspection Report, Main Jail," December 5, 2003.
- "Medical-Mental Health Inspection Report," January 14, 2004.
- "Main Jail Inmate Handbook," February 2003.
- Local Detention Facility Health Inspection Report, 2003.
- Revised intake and screening forms.
- An incident report of an attempted suicide.

The following individuals were interviewed:

- Medical Director, Correctional Services.
- Commander of Staff Services Division.
- Chief of Correctional Health Services.
- Sacramento County Sheriff's Department Training Manager and Training Assistant.
- Assistant Chief, Director of Nursing, Correctional Health Services.
- Interim Medical Director, Jail Psychiatric Services, University of California at Davis.
- Chairperson of the Suicide Prevention Task Force.

The following sites were visited at the Main Jail:

- Intake Unit.
- Psychiatric Care Unit.
- Medical Housing Unit.

Background and Facts

In 2002, public attention was focused on the increase of suicides at the county's Main Jail. In the short period from January through April, four suicides occurred. In 2003, a significant organizational shift took place, taking the responsibility for inmate health care from the Coroner's Office and putting it under the direct authority of the Sacramento County Sheriff's Department (SCSD). The Grand Jury was interested in determining what kind of impact this made regarding the health care of inmates, particularly in the area of mental health.

In an effort to be pro-active in stopping suicides at the Main Jail, the Sheriff's Department sought the assistance of an outside consultant to conduct an assessment of jail practices and to make recommendations regarding its suicide prevention policies and procedures. The Assistant Director of the National Center on Institutions and Alternatives, Lindsay M. Hayes, was selected.

In addition to hiring a consultant, the Sheriff's Department formed a Suicide Prevention Task Force in February of 2002. The multidisciplinary task force is chaired by the Clinical Director of Psychiatric Services. It includes as its members the Medical Director and staff of Jail Psychiatric Services (JPS), two representatives from the Sheriff's Citizen Advisory Committee and jail management staff from custody, health care and mental health.

The report by consultant Lindsay M. Hayes was completed in May of 2002. The report determined that the spike of suicides was a statistical aberration, based on the average daily jail population during the time period of January through April 2002. During the years from 1996 through May 2002, the average rate of suicides in the Main Jail was 51.5 per 100,000 inmates. Recent national data on county jail suicides is approximately 54 deaths per 100,000 inmates. The Sacramento County Main Jail was below the national average.

Consultant Hayes noted that the general population of the Main Jail includes: 1) pre-trial inmates awaiting adjudication, and 2) other inmates transferred from the Rio Cosumnes Correctional Center because of special needs such as mental health, suicidal behavior, administrative segregation, disciplinary confinement, etc. These "special needs" inmates are recognized as being at a much higher risk of suicide. It should also be noted all the suicides occurred in the cells of the general inmate population. The responsibility for direct observation of these inmates falls to the custodial officers. Inmates housed separately under JPS supervision were not casualties of suicide. Hence, it would seem

the initial screening of inmates in conjunction with the mental health training and increased awareness of the custodial officers are two of the most important factors in preventing jail suicides. Mental health assessment of inmates remains key to preventing future incidents.

In October 2002, the Suicide Prevention Task Force issued a response to the recommendations made in the Lindsay M. Hayes Report. The task force followed up in January 2003 with an "Action Summary" describing the continuing efforts to meet the recommendations in the Lindsay M. Hayes Report. On January 14, 2004, a state-mandated, bi-annual inspection report evaluating the current health conditions at the Main Jail was released. The Jury used these three reports as a benchmark in determining improvements in jail health services.

Findings and Recommendations

In its investigation, the Grand Jury looked into: A) inmate screening, B) training, C) inmate monitoring and assessment, D) prescription drug storage and dispensing, and E) reorganization and delivery of jail health services pertaining to suicide prevention specifically, and mental health generally.

A. INMATE SCREENING

Finding 1. The Lindsay M. Hayes Report found that the intake forms being utilized were inadequate. In addition, these forms were not automatically being forwarded to the Jail Psychiatric Services (JPS).

In response, the Main Jail staff has revised its current intake forms in accordance with national standards. All appropriate and relevant medical screening forms are now transmitted by fax to the JPS in a timely manner. Also, arresting officers complete newly developed forms to communicate medical information to the county jail medical staff.

Recommendation 1. A yearly review should be conducted to determine the effectiveness of intake screening forms.

Finding 2. The Lindsay M. Hayes Report stated that classification deputies conduct inmate interviews, examine forms and review two screening fields to capture information on an inmate's prior history. These deputies then use individual discretion to make referrals to the JPS staff. These referrals are not always made on consistent criteria.

In response to the Lindsay M. Hayes Report, new classification forms have been implemented, which include questions regarding mental health and suicide.

Recommendation 2. A software program should be developed to access quickly and accurately an inmate's prior health history for use by the classification deputies to ensure consistency in evaluation and referral.

Finding 3. The Lindsay M. Hayes Report states that contrary to some national correctional standards, JPS staff does not conduct a mental health assessment on each inmate within 14 days of confinement.

In response, the Suicide Task Force indicated that it would be cost prohibitive to conduct reviews of health records for every inmate. However, there is a mental health screening of all inmates at intake.

Recommendation 3. Inmates who have been in the system before should have their records checked for mental health issues within 14 days.

B. TRAINING

Finding 1. The Lindsay M. Hayes Report found that only two hours of suicide prevention training was included in the basic Sacramento County Sheriff's Department academy training. The burden of suicide prevention falls on the custodial officers. Intensive training of custodial officers is essential in detecting mental health issues and in the prevention of suicides. The national recommendation for such initial training is eight hours.

In response, the Main Jail staff has since instituted a multi-session approach for new officers consisting of eight hours of suicide prevention training. These sessions are divided between the academy and the Main Jail orientation of new custodial officers. Suicide prevention training for all other jail staff consists of one-hour yearly training in addition to fifteen-minute quarterly sessions offered during briefings.

Recommendation 1. The quarterly trainings should be increased from 15 minutes to one half hour. Attendance should be required and records kept in each officer's training file. Attendance at makeup sessions should be required.

Finding 2. One area of concern identified by the jail staff is the line of communication between the courts and the correctional staff when the inmate is returned to jail after court proceedings. Court actions can have a detrimental effect on the mental state of an inmate.

Recommendation 2. A process of communication should be developed that alerts the correctional staff to the result of court proceedings regarding a particular inmate, when the inmate is returned to the Main Jail.

Finding 3. The SCSO should be commended for its efforts in evaluating and revamping its training program and increasing the attention focused on suicide prevention. In addition to the increased training, they have created a "Suicide Risk" informational pocket card for officers and correctional health staff. A workshop for public defenders has also been developed and will be given annually. Great efforts have been made to improve communications between the correctional staff and the JPS.

Recommendation #3. None.

C. INMATE MONITORING AND ASSESSMENT

Finding 1. The Lindsay M. Hayes Report stated that monitoring of the inmate population is the primary responsibility of the custodial officers. Inmates housed in special housing units, where most suicides have occurred, are presently required to be observed once an hour. The Lindsay M. Hayes Report recommended that the custodial staff be required to physically observe inmates placed in special housing units at 30-minute intervals.

In response, Main Jail staff concluded that to conduct 30-minute cell checks in designated high-risk special housing units would demand an additional 35 custodial deputies. The Suicide Prevention Task Force stated it was unknown what the financial effects or feasibility of such an increase would be. Correctional officers have since been directed to walk the floors and observe inmates with greater frequency.

Recommendation 1. Main Jail staff should adopt the suggested standard of observation of the Lindsay M. Hayes Report due to the possibility of suicide among high risk inmates.

Finding 2. The Lindsay M. Hayes Report noted that inmates discharged from the JPS acute inpatient psychiatric unit back to the general population of the Main Jail should have regular follow-up assessment.

In response, JPS does a follow-up within 72 hours but has not adopted the standard as outlined due to the cost of additional personnel. However, there has been an effort to centralize outpatients so they can be more closely monitored. Inmates with suicidal ideation assigned to the medical unit receive a 15-minute check.

Recommendation 2. An effort should be made to develop a regular monitoring and assessment schedule for every inmate released from the acute psychiatric unit. Currently, the nurse doing pill delivery has been delegated the added responsibility of assessing the inmate's condition. This policy is unsatisfactory due to the time constraint on nurses.

Finding 3. The Lindsay M. Hayes Report noted the need for more beds designated for outpatient mental health housing. This need was corroborated by the "Medical-Mental Health Inspection Report" of December 5, 2003.

In response, the jail staff has stated that space limitations of the present jail and budget restraints are barriers to fully address this issue. However, additional beds have been found for inmates discharged from acute psychiatric care, and needing closer supervision than can be supplied in a regular jail unit.

Recommendation 3. Since space at the jail is at a premium, the County should aggressively pursue plans to build another tower to accommodate the general need, as

well as the need for appropriate housing for inmates requiring medical and psychiatric care.

D. PRESCRIPTION DRUG STORAGE AND DISPENSING

Finding 1. The “Medical-Mental Health Inspection Report” indicated that there are some serious problems with the storage of drugs and the dispensing program at the Main Jail. Recommendations made over the past several years have not been fully implemented. The County has contracted with a software company to develop a database program to aid the health staff with prescription records. This program has yet to be developed.

Recommendation 1. The County should explore other contractors to develop this database program if the contracted company cannot deliver in a specified period of time.

E. REORGANIZATION AND DELIVERY OF JAIL HEALTH SERVICES

Finding 1. In the spring of 2003, the reorganization of Jail Health Services resulted in the transfer of management from the Coroner to the Sheriff. The improvement in coordination and communication between the health and custodial staff has been noted by the chief administrators and staff members, and is verified by the less frequent health care complaints made by inmates. In its December 2003 report, the Medical-Mental Health Inspection team also commented on the improvements in jail health services. Training is better coordinated as well as the communication between custodial and health care staff regarding the status of inmate health issues.

Most importantly, the health care providers have been given more autonomy in the areas of health issues and decision making. Problems are solved more rapidly because of the open lines of communication and the frequent meetings between health care and custodial staff and their administrators. The creation of a Suicide Prevention Task Force, including a mortality review of inmate suicides, has been a force for change. Medical staff has been increased as their needs were communicated. All of these changes have contributed to improvements in jail health care and hopefully the lessening of future suicide attempts.

Recommendation 1. Even though the County of Sacramento is facing budget cuts, the Board of Supervisors should maintain the present level of staffing of the Medical Housing Unit and its support of Jail Psychiatric Services.

Recommendation 2. The Suicide Prevention Task Force should remain in service and continue to review the progress of implemented changes and to monitor jail policies and procedures.

Response Required

Penal Code Section 933.05 requires that specific responses to both the findings and recommendations contained in this report be submitted to the Presiding Judge of the Sacramento Superior Court by September 30, 2004 from:

- **Sacramento County Board of Supervisors**
- **Sacramento County Sheriff**
- **Medical Director, Correctional Services**
- **Medical Director, Jail Psychiatric Services, UCD**

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OLD TOWN SACRAMENTO Robert Miller

10-Year Final Report Index SACRAMENTO COUNTY

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